

SENATE JUDICIARY

FILED NO. 6

DATE 8/10/09

NO. HB 102

OFFICE OF THE CITY ATTORNEY

435 Ryman • Missoula MT 59802
(406) 552-6020 • Fax: (406) 327-2105
attorney@ci.missoula.mt.us

March 10, 2009

RE: House Bill 102

Dear Chairman Perry and Honorable Members of the Senate Judiciary Committee:

I am a prosecutor for the City of Missoula and have prosecuted offenders for the People of the State of Montana for over 20 years. My purpose in writing is to ask you to please vote Do Pass on House Bill 102.

Sex offenders generally are predators and frequently reoffend. House Bill 102 creates a deterrent for repeat sex offenders. Under current Montana Law, a sex offender who commits many sexual assaults can never receive felony penalties upon conviction.

If House Bill 102 is enacted an offender with two sexual assault convictions who reoffends with a third or higher number sexual assault can be charged with a felony sexual assault. This is consistent with Montana's indecent exposure law, third offense felony. Mont. Code Ann. § 45-5-504 (2007).

Within the last three months I prosecuted two different offenders who had each committed two sexual assaults, on "easy prey" and vulnerable victims. The offenders, like most sex offenders, are predators. The convictions for each of them have will never lead to felonies, unless this important change is enacted. This law will give law enforcement and prosecutors an important tool to help protect Montanans.

Sincerely,

OFFICE OF THE CITY ATTORNEY


Judith L. Wang

Assistant City Attorney